

**Safe Haven Law:
Guidelines for Emergency Care Facilities**

Updated November 2016

Safe Haven Law - Summary -

The Safe Haven Law, enacted April 2000, is intended to encourage a parent who is otherwise tempted to abandon or discard a child, to instead, ensure that the infant will be provided medical care and shelter and ultimately be adopted by others. The law gives parents a mechanism to safely and anonymously relinquish the care of their newborn to the state without fear of prosecution. The law provides relinquishing parent an affirmative defense against criminal abandonment if the circumstances meet the criteria for “safe haven relinquishments” as spelled out in Chapter 13, Articles 1149-1160 of the Louisiana Children’s Code. By placing the infant in the hands of an employee at a Safe Haven Facility, the parent is in essence voluntarily relinquishing his or her parental rights to the child for the ultimate purpose of adoption.

The following criteria must be met in order to qualify as a Safe Haven Relinquishment:

1. The infant must be less than 60 days old.
2. The infant has not been a victim of abuse or neglect.
3. The infant must be relinquished to an employee at a designated Safe Haven facility

- Frequently Asked Questions -

Q. What does the law mean by “Safe Haven”?

A. “Safe Haven” refers to a designated emergency care facility where a parent may anonymously leave his/her infant child, with the intent of placing the child for adoption, without fear of prosecution.

Q. What qualifies as a “designated emergency care facility”?

A. “Designated emergency care facilities” includes any of the following:

- Licensed Hospital
- Public Health Unit
- Emergency Medical Service Provider
- Medical Clinic
- Fire Station
- Police Station
- Crisis Pregnancy Center
- Child Advocacy Center

Q. If someone leaves an infant with me, do I need to get a name or other identifying information?

A. A person leaving an infant in compliance with this law is not required to give his/her name. The parent has the option of providing medical or genetic history information to assist the child’s care and parenting.

Q. If a person is considering relinquishing an infant but wants information on other options, what should I do?

A. If a person with an infant expresses interests in avenues other than relinquishment, such as placing the child for adoption put the person in contact with the local parish DCFS Child Welfare office.

Q. What happens to the baby after he or she is surrendered?

A. If a child is relinquished to a designated emergency care facility other than a hospital, the child will be immediately brought to a hospital for medical assessment and treatment. After a child is received, a representative of the designated emergency care facility shall immediately notify the Department of Children and Family Services of the relinquishment. Upon notification, DCFS will initiate legal proceedings to obtain custody of the child and initiate legal proceedings to free the child for adoption.

Q. What happens to the parent who relinquishes the child?

A. When a parent relinquishes a child under the guidelines of the Safe Haven Law, he/she is not guilty of criminal act of neglect, abandonment or child cruelty. At the time of relinquishment, the parent is given a card with a toll-free number, 1-800-CHILDREN, which he/she can call to find out more about his/her infants rights and also to anonymously give information about the infant's medical/genetic history.

Q. What happens if the parent who relinquishes the child changes his/her mind?

A. The relinquishing parent has 30 days to seek to reclaim parental rights of the infant. They are to contact their parish DCFS Child Welfare office for additional information.

Q. Where can people call for additional information regarding the Safe Haven Law?

A. They can call toll-free 1-800-CHILDREN (1-800-244-5373)

**Entire Safe Haven Law contained in LA Children's Code Chapter 13,
Articles 1149-1160**

Safe Haven Law

- Responsibilities for Designated Emergency Care Facilities

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- Designated staff must be available during regular hours with knowledge about the Safe Haven responsibilities, requirements and protocol for the facility. During non- business hours, designated staff will be available by phone.
- All staff persons are to be familiar with the Safe Haven contact person and emergency procedures.
- Relinquishing parents are to be provided with the Safe Haven card which is to include the name, address, and phone number of the emergency care facility.
- Medical/genetic forms are to be available for the parent if he/she wants to provide medical/genetic information about the child.
- For facilities other than hospitals, procedures for immediate transfer of infant to hospital are to be developed and implemented.
- Upon receipt of relinquished child, the Department of Children and Family Services must be notified by the emergency care facility.
- Assurance that confidentiality of both parent and child will be maintained by all employees of the designated emergency care facility.

“Absent evidence of willful or intentional misconduct or gross negligence in carrying out these responsibilities, the representative and other staff of the designated emergency facility shall be immune from civil and criminal liability in any legal action arising from the examination, testing, care and treatment of the infant.” Art. 1152 G.

**24 Hour, Statewide
Child Protection Hotline
1-855-4LA-KIDS (1-855-452-5437)**